

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JUANITA POULSTON,

Plaintiff,

v.

Civil Action No. 3:22cv695

SHOE CARNIVAL, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant Shoe Carnival, Inc. ("Shoe Carnival"), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal to remove this action from the Circuit Court for the County of Chesterfield, Commonwealth of Virginia, captioned *Juanita Poulston v. Shoe Carnival, Inc.*, CL22-3264. In support, Shoe Carnival states as follows:

TIMELINESS OF REMOVAL

1. On September 22, 2022, Plaintiff Juanita Poulston filed a Complaint in the Circuit Court for the County of Chesterfield, Commonwealth of Virginia, captioned *Juanita Poulston v. Shoe Carnival, Inc.*, CL22-3264. A copy of the Complaint is attached hereto as Exhibit A.

2. Shoe Carnival was served the Summons and Complaint on October 3, 2022.

3. Shoe Carnival filed this Notice of Removal within thirty (30) days after service of the Summons and Complaint on Shoe Carnival. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Shoe Carnival has attached a copy of all process, pleadings, orders, and other documents on file with the Circuit Court for the County of Chesterfield, Commonwealth of Virginia.

GROUND FOR REMOVAL

5. Shoe Carnival submits to this Court that it has original jurisdiction and it invokes the diversity jurisdiction of this Court as provided in 28 U.S.C. § 1332.

6. Specifically, Plaintiff is allegedly a resident of the Commonwealth of Virginia. Complaint ¶ 1.

7. Shoe Carnival is organized under the laws of the State of Indiana and has its principal place of business in Evansville, Indiana.

8. Plaintiff seeks to recover against Shoe Carnival for an alleged fall incident. The Complaint seeks \$1,000,000.00 in compensatory damages.

9. This Court has removal jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as there is complete diversity of citizenship between the Plaintiff and the Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

NOTICE OF REMOVAL TO STATE COURT AND TO ADVERSE PARTIES

10. Written notice of the filing of this Notice of Removal will promptly be served on all parties as required by 28 U.S.C. § 1446(d).

11. Shoe Carnival will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court for the County of Chesterfield, Commonwealth of Virginia, as required by 28 U.S.C. § 1446(d).

VENUE

12. Venue of this action in the United States District Court for the Eastern District of Virginia, Richmond Division is proper, as this is the district and division in which the state court action is pending. 28 U.S.C. §§ 1446(a) and 1454(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Shoe Carnival, Inc., by counsel, respectfully requests that this civil action be removed from the Circuit Court for the County of Chesterfield, Commonwealth of Virginia, to the United States District Court for the Eastern District of Virginia, Richmond Division.

SHOE CARNIVAL, INC.

By Counsel

/s/Julie S. Palmer
John R. Owen (VSB No. 39560)
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C E R T I F I C A T E

I hereby certify that on the 27th day of October, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Randy B. Rowlett, Esq. (VSB No. 36438)
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and I hereby certify that I have mailed by United States Postal Service, and sent via email, the document to the following:

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